

### **REMARKS**

This responds to the Office Action dated July 23, 2008.

Claims 1, 5, 10, 12, 15, 34, 45 and 50 are amended, claims 2, 3 are canceled, claims 13, 14, 16, 17, and 26-29 were previously canceled, no new claims are added; as a result, claims 1, 4-12, 15, 18-25, and 30-55 are now pending in this application.

#### **§103 Rejection of the Claims**

Claims 1-12, 15, 18-25 and 30-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Estipona (U.S. Patent No. 6,795,973) in view of Schrader et al. (U.S. Patent Application Publication No. 2002/0157101).

Amended independent claim 1 recites:

*"transmitting a video program and at least one trigger employing a first television channel operating at a first frequency within a range of frequencies assigned to service channels; and*

*transmitting enhanced television content coupled to said video program employing a second channel operating at a second frequency, wherein the second frequency is outside the range of frequencies assigned to the service channels."*

(Emphasis added.)

In rejecting claim 1, the Examiner stated that Estipona teaches the limitations as claimed in claim 1 in Figure 1, Figure 4 and from column 3, line 45 to column 4, line 28, "as the video and at least one trigger are transmitted in transport type A employing television service or broadcast channels.

Estipona teaches an enhanced television recorder and player that include a trigger insertion unit that inserts triggers into vertical blanking intervals (VBI) of audio/video signals. The triggers point to resources that are stored in a storage medium or are available from a network. (Abstract)

The Examiner admitted that Estipona does not clearly show "transmitting enhanced television content employing a second television channel operating at a second frequency." However, the Examiner stated that Schrader teaches the same features in Figure 5 and

paragraphs 60-61 with IP contents as enhanced content. The Examiner further stated that Figure 2 of Applicant's application discloses separate channels having different frequencies.

Schrader teaches a system that transmits broadcast television programming and Internet protocol (IP) content over different channels. Schrader teaches transmitting television programming via a first communication channel and the IP content related to the television programming via a second communication channel. (Figure 1, Paragraphs 28-30) Schrader teaches that the IP content can be transmitted via a wide area network (WAN). (Figure 2, Paragraph 31) Schrader then teaches that the television programming may be delivered via either (or both) a cable television system and a satellite link. (Figure 4, Paragraph 32) Schrader further teaches that the IP content may be transmitted in a dedicated data communication channel. The IP content may be transmitted in any manner. This includes the IP content being interleaved with the television programming in the form of a "trickle stream" of IP content. The use of trickle stream avoids the allocation of additional communication channels. (Paragraph 33) Schrader then teaches a client system includes a signal input module which receives television programming and/or other data from a first and a second communication channel via first and second digital tuners, respectively. (Figure 5, Paragraph 60)

Applicant submits that even though Schrader teaches using a channel for television programming and a channel for IP content, Schrader is silent about using a channel associated with a frequency in the range of frequencies assigned to the service channels for television programming and a channel associated with a frequency outside the range of the frequencies assigned to the service channels for IP content. More specifically, Applicant submits that neither Estipona nor Schrader, individually or in combinations, teaches the limitations as claimed in claim 1.

Applicant submits that, at least for this reason, claim 1 and its dependent claims are patentable over Estipona in further view of Schrader. The 103 rejection has been overcome.

Applicant further submits that, at least for the same reason provided above with claim 1, independent claims 34 and 45 and their corresponding dependent claims are also patentable over Estipona in further view of Schrader.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of November, 2008.

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